

Date Mailed
December 17, 2002

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Joint Application of Minnesota Power Company and
Wisconsin Public Service Corporation for Authority to
Construct and Place in Service Electric Transmission Lines
and Other Electric Facilities for the Arrowhead-Weston Project,
Located in St. Louis County in Minnesota, and Chippewa, Clark,
Douglas, Lincoln, Marathon, Oneida, Price, Rusk, Sawyer, Taylor,
and Washburn Counties in Wisconsin

05-CE-113

**ORDER TO REOPEN
AND NOTICE OF REQUEST FOR COMMENTS**

Comments Due: Friday, January 17, 2003 – Noon	Address Comments To: Lynda L. Dorr Secretary to the Commission Public Service Commission P.O. Box 7854 Madison, WI 53707-7854 FAX (608) 266-3957
FAX Due: Thursday, January 16, 2003 – Noon	
Reply Comments Due: Monday, January 27, 2003	

On November 10, 1999, Wisconsin Public Service Corporation (WPSC) and Minnesota Power Company (MP) jointly filed an application for the issuance of a Certificate of Public Convenience and Necessity (CPCN) for authority to construct the Arrowhead-Weston transmission line project. On June 29, 2001, the Commission approved the request of the American Transmission Company LLC and ATC Management Inc. (collectively, "ATC"), for a change in status in the docket from party to applicant. As part of this approval, the Commission declared that ATC was bound by all conditions, commitments, and agreements made by WPSC or MP in the course of the Commission proceedings. On October 30, 2001, the Commission issued its order in this docket authorizing WPSC, MP, and ATC to construct the Arrowhead-Weston project.

On November 26, 2002, ATC filed a petition requesting that the Commission's October 30, 2001, order be amended to clarify the effective date of the CPCN, and to allow ATC to construct a fiber-optic cable for the sole purpose of monitoring, operating and protecting the transmission grid. Copies of ATC's petitions requesting that the Commission amend its final

order in this docket can be obtained from ATC by contacting Alycia Winterburn at (608) 877-3535.

The Commission hereby reopens docket 05-CE-113 under Wis. Stat. § 196.39(1) to consider the petitions of ATC to modify the Commission's October 30, 2001 order in this docket.

The Commission requests comments on ATC's petitions to reopen the docket and amend the order as follows:

1. To consider whether the Commission should amend its order to clarify when the CPCN is effective. The language included in the Commission's order implies that the CPCN would be effective when all Department of Natural Resources (DNR) permits for the project are issued. DNR can not proceed with review and issuance of permits until the applicants acquire land interests; however, the applicants can not obtain land interests without condemnation rights granted by the CPCN. ATC requests that the date the CPCN is effective be clarified and an amended order issued that can allow it to proceed with land acquisition and permitting.
2. To consider whether the Commission should amend its order to allow ATC to construct a fiber-optic cable for the sole purpose of monitoring, operating and protecting the transmission grid. Because the applicants agreed not to install fiber-optic facilities, and because of possible complications involved with non-utility use of the transmission line corridor, the Commission's order specifically states that the applicants would not be permitted to install fiber-optic cable. ATC requests that the Commission issue an amended order allowing it to install and operate a fiber-optic cable for electric utility use only.

NOTICE IS GIVEN that the Commission considers it necessary, in order to carry out its duties, to investigate all books, accounts, practices, and activities of the applicant. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from the applicants in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

Any party who desires to file comments should submit an original and ten copies, as indicated on page one. Members of the public need only file an original. These comments must be received by noon on Friday, January 17, 2003. Comments submitted by fax are due one day earlier. Fax filing cover sheets must state "Official Filing" and include the docket number and the number of pages (limit of 20 pages). File by one mode only. Reply comments must be received by noon on Monday, January 27, 2003. The words "05-CE-113 Comments Regarding CPCN Issue Date" or "05-CE-113 Comments Regarding Fiber Optics" must be clearly indicated on the first page of each filing.

Any person who requests that the Commission schedule an evidentiary hearing on these matters, concerning any material issues of fact, shall submit a sworn affidavit describing the disputed facts that are material to the application and explaining how the application affects a substantial interest of the person.

This is a Type III action under Wis. Admin. Code § PSC 4.10(3). No unusual circumstances suggesting the likelihood of significant environmental consequences have come to the attention of the Commission. Neither an environmental impact statement under Wis. Stat § 1.11 nor an environmental assessment is required.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed below.

Questions regarding this matter may be directed to docket coordinator Jim Lepinski at (608) 266-0478.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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